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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 EUGENIO HAROS-GIRON,
12 Petitioner/Defendant,
13 vs.
14 UNITED STATES OF AMERICA,
15 Respondent/Plaintiff.

CASE NO. 12CV0132-LAB/
11CR1097-LAB


**ORDER DENYING WITHOUT
PREJUDICE 28 U.S.C. § 2255
HABEAS MOTION**

16 On December 27, 2011, the Court entered judgment against Petitioner/Defendant
17 Eugenio Haros-Giron. On December 30, he filed a notice of appeal. Then on January 13,
18 2012, he filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255.

19 When Haros-Giron appealed his sentence, the Court was divested of jurisdiction over
20 his case, including his § 2255 motion. *Ching v. United States*, 298 F.3d 174, 180 n.5 (2d Cir.
21 2002). The motion is therefore **DENIED WITHOUT PREJUDICE**.

22 **IT IS SO ORDERED.**

23 DATED: July 9, 2012

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25 **HONORABLE LARRY ALAN BURNS**
26 United States District Judge
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